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November 8, 2010

Kathleen Tomlinson, U.S. Magistrate Judge
Long Island Federal Courthouse
999 Federal Plaza
Central Islip, New York

Hon. J. Tomlison;

Regarding: Liquid Media vs. Value Media LLC, et al CV-09-002595
Response to Defendant's Letter of October 27th, 2010

Please accept his letter in response to your directive of November 3rd, 2010 that Plaintiff respond in writing to the letter of Defendant dated October 27th, 2010.

Mr. Braun's purported "continued frustrations" are – with one exception - a product of his lack of understanding of the judicial system brought on by the withdrawal of his counsel for reasons which are still unknown to me.

This matter was delayed in its entirety from April 15th, 2010 until September 22nd, 2010, a period of over five months, while Mr. Braun's counsel sought to be relieved. Originally the Court provided a period of 42 days for Plaintiff to respond any discovery demands Defendant might make. But as a result of the delay occasioned by the withdrawal of Mr. Braun's counsel, the Court directed Plaintiff in its Order of September 22nd, 2010 to respond to discovery demands instead within 16 days.

This time frame proved impossible given the fact that 1) Plaintiff's business operations had ceased, its operation moved out of its former location, and its former employees with knowledge of where relevant records were stored, terminated and 2) Defendant's discovery demands were patently overbroad and irrelevant.

Normally counsel for litigants would work this issue out, paring discovery demands and allowing for an adjournment necessary – in good faith – to accomplish it. Mr. Braun, however, wished to do neither. I am unaware in this respect, however, of any rules that oblige me to ask for a further conference rather than request from the Court a short extension of time to reply to Discovery Demands.

It would appear at this point that Mr. Braun is satisfied with the 1,000 plus pages of Discovery that I was able to provide to him, inclusive of the complete job files associated with this case since he has requested that Depositions occur on November 29th, and November 30th (starting at 8:00 a.m.).

It was an oversight of this office that the Court's Order of September 22nd, 2010 was not immediately served on Plaintiff. I made sure then, and have made sure that something like that does not happen again, nor, to my knowledge has it. I am not aware of any other request for adjournments, extensions or delays. I take umbrage to Mr. Braun's cavalier and ad hominem pronouncement that I "don't need to follow the rules"

I hope that you find this letter satisfactory for your purposes. Please do not hesitate to contact me with any questions concerning any of the foregoing.

Very truly yours;
/S/

Peter J. Creedon 8423